



Docket No.: 248343US0DIV

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 10/772,281

Applicants: Seiji SAWAI, et al.

Filing Date: February 6, 2004

For: STABILIZED PHARMACEUTICAL COMPOSITION
IN LYOPHILIZED FORM

Group Art Unit: 1654

Examiner: B. Chism

SIR:

Attached hereto for filing are the following papers:

Terminal Disclaimer

Our credit card payment form in the amount of **\$130.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Seiji SAWAI, et al.

SERIAL NO: 10/772,281

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FOR: STABILIZED PHARMACEUTICAL COMPOSITION IN LYOPHILIZED FORM

TERMINAL DISCLAIMER

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Now comes the undersigned, Attorney of Record in the present application, who avers as follows:

Astellas Pharma Inc. is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of assignment, said Assignment having been recorded in the U.S. Patent and Trademark Office at reel no. 017073, frame(s) 0257.

Astellas Pharma Inc. hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of Patent No. 6,774,104, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,774,104, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

Astellas Pharma Inc. does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of Patent No. 6,774,104 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

03/13/2006 HALI11 00000052 10772281

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Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
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